

LEGAL NOTICE
Notice of Proposed Rulemaking
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), to Parts 1, 2, 3, 5, 6, and 7 of Title 12, Subtitle 8 of the Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4 of the Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The public hearing will consider the amendments to HAR Chapter 12-56, Program fees and library policies, HAR Chapter 12-60, General industry standards, HAR Chapter 12-110, Construction standards, HAR Chapter 12-170, Shipyards, HAR Chapter 12-180, Marine terminals, and HAR Chapter 12-190, Longshoring.

The proposed changes are as follows:

1. HAR Chapter 12-56, Program fees and library policies, is amended to delete HAR Section 12-56-6, Library, which contains policies and procedures for borrowing HIOSH library material. Due to budgetary cutbacks, the HIOSH library has been permanently closed.
2. HAR Section 12-60-50, Standards, is amended to incorporate changes that OSHA made to its general industry standards. 29 CFR 1910.135, Head protection, is amended to recognize the 2009 edition of the American National Standard for Industrial Head Protection; 29 CFR 1910.102, Acetylene, is amended by updating the reference to CGA Pamphlet G-1-2009; and 29 CFR 1910.1030, Bloodborne pathogens, is amended by relocating the paragraph relating to sharps injury log to

the recordkeeping paragraph. Sections throughout 29 CFR 1910 have been amended to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The GHS amendments include revised criteria for the classification of chemical hazards, labeling provisions for standardizing signal words, pictograms, hazard statements and precautionary statements, a specified format for safety data sheets, revisions to definitions of terms, and requirements for training on labels and safety data sheets. Standards affected by the conformity to the GHS include 1910.6, Incorporation by reference, 1910.106, Flammable liquids, 1910.107, Spray finishing using flammable and combustible materials, 1910.119, Process safety management of highly hazardous chemicals, 1910.120, Hazardous waste operations and emergency response, 1910.123, Dipping and coating operations: Coverage and definitions, 1910.124, General requirements for dipping and coating operations, 1910.125, Additional requirements for dipping and coating operations that use flammable liquids or liquids with flashpoints greater than 199.4°F (93°C), 1910.1001, Asbestos, 1910.1003, 13 Carcinogens (4-nitrobiphenyls, etc), 1910.1017, Vinyl chloride, 1910.1018, Inorganic arsenic, 1910.1025, Lead, 1910.1026, Chromium (VI), 1910.1027, Cadmium, 1910.1028, Benzene, 1910.1029, Coke oven emissions, 1910.1043, Cotton dust, 1910.1044, 1,2-dibromo-3-chloropropane, 1910.1045, Acrylonitrile, 1910.1047, Ethylene oxide, 1910.1048, Formaldehyde, 1910.1050, Methylenedianiline, 1910.1051, 1,3-Butadiene, 1910.1052, Methylene chloride, 1910.1200, Hazard communication, and 1910.1450, Occupational exposure to hazardous chemicals in laboratories.

3. HAR Chapter 12-110, Construction standards. HAR Section 12-110-1, Application, is amended to remove the reference to a previously repealed chapter. HAR Section 12-110-3, Safety inspections, is amended to change its title to “Safety and health inspections”; the section is also amended to clarify and specify the requirements for safety and health inspections at jobsites. HAR Section 12-110-50, Standards, is amended to incorporate federal changes that OSHA made to its standards. 29 CFR 1926.100, Head protection, is amended to update the reference to the 2009 edition of the American National Standard for Industrial Head Protection, and 29 CFR 1926.251, Rigging equipment for material handling, is amended by removing the rated capacity tables and making minor non-substantive revisions to the regulatory text. Sections 1926.60, Methylenedianiline, 1926.62, Lead, 1926.64, Process safety management of highly hazardous chemicals, 1926.65, Hazardous waste operation and emergency response, 1926.152, Flammable liquids, 1926.155, Definitions applicable to the subpart, 1926.1101, Asbestos, 1926.1126, Chromium (VI), and 1926.1127, Cadmium, are also amended to conform to the GHS.
4. HAR Chapters 12-170, Shipyard, 12-180, Marine terminals, and 12-190, Longshoring, are amended to recognize the 2009 edition of the American National Standard for Industrial Head Protection. HAR Chapter 12-170, which is the incorporation of 29 CFR 1915, is also amended to conform to the GHS, which will affect standards 29 CFR 1915.1001, Asbestos, and 29 CFR 1915.1026, Chromium (VI).

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday – Friday, between the hours of 2:00 p.m. – 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813; 75 Aupuni Street, Hilo, Hawaii 96720; 2264 Aupuni Street, Wailuku, Hawaii 96793; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed rules may be obtained for a prepaid fee plus postage, or viewed at our website at: <http://hawaii.gov/labor/hiosh>.

Interested persons may present at the public hearing any written or oral data, views, arguments, comments, and objections concerning the proposals at:

HONOLULU, OAHU October 12, 2012, 1:00 p.m.

Keelikolani Building

830 Punchbowl Street

Room 427

Honolulu, Hawaii 96813

All submissions for the record must be received prior to the scheduled public hearing. The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons may submit written data, views, arguments, comments, and objections concerning the proposals to the HIOSH, 830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request. Call the HIOSH at (808) 586-9116 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: September 12, 2012

DWIGHT TAKAMINE
Director
Department of Labor and
Industrial Relations